

《證券及期貨(場外衍生工具產品)公告》  
(第 571 章, 附屬法例 AP)

**Securities and Futures (OTC Derivative Products) Notice**  
(Cap. 571 sub. leg. AP)

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經核證文本  
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(《法例發布條例》(第 614 章) 第 5 條)  
(Legislation Publication Ordinance (Cap. 614), section 5)

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條文 Provision	頁數 Page number	最後更新日期 Last updated date
主體 Main	1—4	28.6.2018
附表 Schedule	S-1—S-2	27.4.2018

**尚未實施的條文 / 修訂 ——**

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<http://www.elegislation.gov.hk>) 閱覽。

**Provisions / Amendments not yet in operation —**

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**制定史**

本為 2018 年第 35 號法律公告 —— 2018 年第 3 號編輯修訂紀錄

**Enactment History**

Originally L.N. 35 of 2018 — E.R. 3 of 2018

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目錄

Contents

條次		頁次	Section		Page
1.	(已失時效而略去)	1	1.	(Omitted as spent)	2
2.	釋義	1	2.	Interpretation	2
3.	不視為場外衍生工具產品的結構性產品	3	3.	Structured product that is not regarded as OTC derivative product	4
附表	不視為場外衍生工具產品的結構性產品	S-1	Schedule	Structured Product Not to be Regarded as OTC Derivative Product	S-2

## 《證券及期貨(場外衍生工具產品)公告》

(第 571 章第 392 條)

(略去制定語式條文——2018 年第 3 號編輯修訂紀錄)

[2018 年 4 月 27 日]

1. (已失時效而略去——2018 年第 3 號編輯修訂紀錄)

### 2. 釋義

在本公告中——

**標的項目** (underlying subject matter) ——

- (a) 就屬本條例附表 1 第 1 部第 1A 條第 (1)(a)(i) 款所指的結構性產品的交易而言，指任何類型的證券、商品、指數、財產、利率、貨幣兌換率或期貨合約，亦指任何類型的該等項目的任何組合；
- (b) 就屬本條例附表 1 第 1 部第 1A 條第 (1)(a)(ii) 款所指的結構性產品的交易而言，指任何一籃子多於一種類型的證券、商品、指數、財產、利率、貨幣兌換率或期貨合約，亦指多於一種類型的該等項目的任何組合；及
- (c) 就屬本條例附表 1 第 1 部第 1A 條第 (1)(a)(iii) 款所指的結構性產品的交易而言，指任何指明事件(不包括任何只關乎票據的發行人或擔保人的事件，亦不包括任何關乎發行人及擔保人兩者的事件)。

## Securities and Futures (OTC Derivative Products) Notice

(Cap. 571, section 392)

(Enacting provision omitted—E.R. 3 of 2018)

[27 April 2018]

1. (Omitted as spent—E.R. 3 of 2018)

### 2. Interpretation

In this Notice—

**underlying subject matter** (標的項目)——

- (a) in relation to a transaction in a structured product that falls within subsection (1)(a)(i) of section 1A of Part 1 of Schedule 1 of the Ordinance, means any type or combination of types of securities, commodity, index, property, interest rate, currency exchange rate or futures contract;
- (b) in relation to a transaction in a structured product that falls within subsection (1)(a)(ii) of section 1A of Part 1 of Schedule 1 of the Ordinance, means any basket of more than one type, or any combination of types, of securities, commodity, index, property, interest rate, currency exchange rate or futures contract; and
- (c) in relation to a transaction in a structured product that falls within subsection (1)(a)(iii) of section 1A of Part 1 of Schedule 1 of the Ordinance, means any specified event or events (excluding an event or events relating only to the issuer or guarantor of the instrument or to both the issuer and the guarantor).

- 3. 不視為場外衍生工具產品的結構性產品**  
為施行本條例，列於附表的結構性產品不視為場外衍生工具產品。
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- 3. Structured product that is not regarded as OTC derivative product**  
The structured product set out in the Schedule is not to be regarded as an OTC derivative product for the purposes of the Ordinance.
-

S-1

附表

第 571AP 章

Schedule

S-2

Cap. 571AP

## 附表

[ 第 3 條 ]

### 不視為場外衍生工具產品的結構性產品

任何符合以下各項說明的結構性產品——

- (a) 給予其持有人權利，以購買該產品之標的項目；
- (b) 以現金交收，或以實物交收；
- (c) 如該產品之標的項目以某一或某些貨幣計值，而該產品以其他貨幣交收——交收是按所涉貨幣在交收當時的兌換率進行；
- (d) 其行使價指明為零或一個接近零的款額，或在實際效果上設定於零或一個接近零的款額；
- (e) 除純粹為遵從適用的法律或規管性規定而施加的限制外，其轉讓不受任何限制；及
- (f) 其文件記錄形式，是一份權證。

## Schedule

[s. 3]

### Structured Product Not to be Regarded as OTC Derivative Product

Any structured product that—

- (a) gives its holder the right to purchase its underlying subject matter;
- (b) is either settled in cash or physically settled;
- (c) if it is settled in a currency other than the currency or currencies in which its underlying subject matter is denominated—is settled at the exchange rate for the currencies involved prevailing at the time of the settlement;
- (d) has its strike price specified as, or in effect set at, zero or an amount close to zero;
- (e) is not subject to any restriction on its transfer (other than a restriction imposed solely for the purpose of complying with applicable legal or regulatory requirements); and
- (f) is documented in the form of a warrant.